

1974

c 99 The Algonquin Forestry Authority Act, 1974

Ontario

© Queen's Printer for Ontario, 1974

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

The Algonquin Forestry Authority Act, 1974, SO 1974, c 99

Repository Citation

Ontario (1974) "c 99 The Algonquin Forestry Authority Act, 1974," *Ontario: Annual Statutes*: Vol. 1974, Article 101.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1974/iss1/101

CHAPTER 99

**An Act to incorporate
the Algonquin Forestry Authority***Assented to December 10th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Algonquin Provincial Park" means Algonquin Provincial Park as set apart from time to time under *The Provincial Parks Act*; R.S.O. 1970,
c. 371
- (b) "Authority" means the Algonquin Forestry Authority incorporated by this Act;
- (c) "Board" means the Board of Directors of the Authority;
- (d) "Crown timber" has the same meaning as in *The Crown Timber Act*; R.S.O. 1970,
c. 102
- (e) "Minister" means the Minister of Natural Resources;
- (f) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. The Minister is responsible for the administration of this Act. Administra-
tion of
Act

3.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Algonquin Forestry Authority consisting of not fewer than five and not more than twelve members appointed by the Lieutenant Governor in Council to hold office during pleasure. Incorporation

Crown
agency
R.S.O. 1970,
c. 100

(2) The Authority is an agent of Her Majesty in right of Ontario and is a Crown agency for the purposes of *The Crown Agency Act*.

R.S.O. 1970,
c. 89
not to apply

(3) *The Corporations Act* does not apply to the Authority.

Board of
Directors

4.—(1) The members for the time being of the Authority form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuner-
ation

(2) The Authority may pay its directors such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Management

(3) Subject to subsection 4 of section 9, the affairs of the Authority are under the management and control of the Board and the chairman, subject to subsection 4, shall preside at all meetings of the Board.

Acting
chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as chairman and shall have all the powers and shall perform all the duties of the chairman.

Quorum

(5) A majority of the directors constitutes a quorum of the Board.

By-laws

(6) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

Seal

(7) The Authority shall have a seal which shall be adopted by by-law.

General
manager

5. The Lieutenant Governor in Council shall appoint a person to be the general manager of the Authority who shall be subject to the control and direction of the Board and who shall be paid by the Authority such remuneration and expense allowance as may be fixed by the Lieutenant Governor in Council.

Officers and
employees

6.—(1) The Authority may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, duties, powers and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved and may dismiss its officers and employees for just cause.

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority.

Super-
annuation
R.S.O. 1970,
c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an officer or employee of the Authority.

Attendance
and vacation
credits
R.S.O. 1970,
c. 386

7. Subject to the approval of the Lieutenant Governor in Council, the Authority may engage persons other than those appointed or employed pursuant to section 6 to provide professional, technical or other assistance to or on behalf of the Authority, and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons.

Professional
and other
assistance

8. No director, officer or employee of the Authority, or other person acting on behalf of the Authority, is personally liable for any act done in good faith in the exercise or intended exercise of any of his duties or powers or for any default or neglect in good faith in the exercise of any of his duties or powers.

Limitation
of
liability

9.—(1) Subject to subsection 2, the objects of the Authority are,

Objects

(a) subject to *The Crown Timber Act*, to harvest Crown timber and produce logs therefrom and to sort, sell, supply and deliver the logs;

R.S.O. 1970,
c. 102

(b) to perform, undertake and carry out such forestry, land management and other programs and projects as the Minister may authorize and to advise the Minister on forestry and land management programs and projects of general advantage to Ontario.

(2) The Authority shall carry out its objects in Algonquin Provincial Park and in respect of Crown timber on such lands adjacent thereto as may be designated by the Lieutenant Governor in Council.

Jurisdiction

(3) Subject to *The Public Lands Act*, the Authority may acquire and hold public lands or any interest therein for its actual use and occupation.

Use of
public lands
R.S.O. 1970,
c. 380

(4) The Authority is responsible to and subject to the direction and control of the Minister and, without limiting

Objectives

the generality of the foregoing, the Minister may determine for the Authority,

- (a) production and operational objectives aimed at regulating the flow of logs;
- (b) social objectives aimed at maintaining or improving employment levels in the forest industry; and
- (c) financial, commercial and economic objectives aimed at ensuring reasonable prices for logs produced by or on behalf of the Authority and ensuring a reasonable rate of return on the capital invested in the Authority.

Capacity of
a natural
person and
power to
act outside
Ontario

10.—(1) The Authority has all the capacity and powers of a natural person, including the capacity to exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

Dealings
with
Authority

(2) No act of the Authority and no transfer of real or personal property to or by the Authority is invalid by reason of the fact that the Authority was without capacity or power to do such act or make or receive such transfer.

Master
plan

11.—(1) The Minister shall prepare a master plan that balances the public interest in maintaining and improving the quality of Algonquin Provincial Park for the purpose of recreation and the public interest in providing a flow of logs from Algonquin Provincial Park.

Amendment

(2) The Minister may amend the master plan and shall provide a copy of it and every amendment to the Authority.

Quality of
operations

(3) The Authority shall conduct its operations in conformity and harmony with the provisions and true intent and spirit of the master plan and all amendments thereof, and shall ensure that such operations are conducted, so far as it is practicable so to do, with full regard at all times for the aesthetics, ecology and all other qualities of the environment.

Grants and
loans

12.—(1) The Lieutenant Governor in Council may authorize the Minister to make grants and loans to the Authority at such times and upon such terms as the Lieutenant Governor in Council considers advisable.

Statutory
appropriation

(2) The money required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

13.—(1) Subject to subsection 2 and section 14, the ^{Application of property} property and moneys of the Authority shall be applied solely ^{and moneys} to promote the objects of the Authority.

(2) The Authority may temporarily invest any surplus ^{investment of surplus moneys} moneys not immediately required for its objects in any securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada.

(3) The Authority may, with the approval of the Minister, ^{Bank accounts} maintain in its name one or more accounts in any chartered bank or trust company.

14. The Authority, upon the order of the Lieutenant ^{Disposition of excess moneys} Governor in Council, shall pay to the Treasurer of Ontario so much of the moneys of the Authority as the Lieutenant Governor in Council considers in excess of the moneys required for the objects of the Authority, and any moneys so paid may be applied by the Treasurer of Ontario towards the discharge of any obligation of the Authority to Her Majesty in right of Ontario, and if not so applied shall form part of the Consolidated Revenue Fund.

15. Unless otherwise ordered by the Lieutenant Governor ^{Fiscal year} in Council, the fiscal year of the Authority commences on the 1st day of April in each year and ends with the 31st day of March in the following year.

16.—(1) The Authority shall establish and maintain an ^{Accounting system} accounting system satisfactory to the Minister.

(2) The Minister may direct the Authority to prepare ^{Submission of information and data to Minister} and submit to the Minister, in such form and at such time as the Minister directs, forecasts, estimates and analyses of revenues, expenditures, commitments and any other data and information pertaining to any aspect of the affairs of the Authority.

17. The Authority shall, within three months after the ^{Annual report} termination of each fiscal year, submit an annual report to the Minister in such form as he may direct, which shall include,

- (a) a description of its operation for the fiscal year;
- (b) an audited financial statement, including a balance sheet, a statement of income and expense and a statement of surplus or deficit for the fiscal year; and

- (c) such other information in respect of the affairs of the Authority as the Minister may require,

and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

18. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Minister and the Authority in which the Provincial Auditor shall,

- (a) express an opinion on the financial statements of the Authority; and
- (b) include any matters that he considers should be brought to the attention of the Minister and the Authority.

Termination
of Crown
timber
licences

R.S.O. 1970,
c. 102

19.—(1) Notwithstanding anything in any general or special Act or in any regulation, licence, management plan or operating plan and, subject to subsection 2, the Lieutenant Governor in Council shall by order in council terminate any licence heretofore granted under *The Crown Timber Act*, the licensed area of which is wholly or partly within Algonquin Provincial Park.

60 day
notice of
termina-
tion

(2) Every order in council made pursuant to subsection 1 shall provide that each licence referred to in the order in council is terminated as of the sixtieth day next following the date of the order in council.

Service
of order
in council
terminating
Crown
timber
licences

(3) The Minister shall forward by registered mail a copy of every order in council made pursuant to subsection 1 to the licensee of each licence referred to in the order in council, addressed to the last place of business of the licensee as shown in the records in the Ministry of Natural Resources.

Termination
of cutting
approval

(4) Upon the termination of a licence pursuant to subsection 1, each approval issued pursuant to subsection 1 of section 13 of *The Crown Timber Act* in respect of the licence shall thereafter be null and void.

Continuation
of liability
for Crown
charges

(5) The licensee of a licence terminated under subsection 1 shall continue to be liable for all indebtedness in respect of Crown charges as defined in *The Crown Timber Act* in respect of the licence.

20. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. _{ment}

21. This Act may be cited as *The Algonquin Forestry* ^{Short title} *Authority Act, 1974.*

